

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12971, of Review and Herald Publishing Association, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing an addition to a non-conforming structure housing a non-conforming use (Sub-section 7107.1) and from the FAR requirements (Sub-section 5301.1) for an addition to a printing plant in a C-2-A District at the premises 6856 Eastern Avenue, N.W. (Square 3359, Lot 44).

HEARING DATE: June 20, 1979

DECISION DATE: July 11, 1979

FINDINGS OF FACT:

1. The subject property is in the western half of Square 3359. It is bounded on the north by Eastern Avenue (the boundary line between the District of Columbia and the State of Maryland), on the west by Willow Avenue, on the east by an alley and on the south by applicant's parking lot and the projected park. It is known as 6856 Eastern Avenue, N.W. It is in a C-2-A District.

2. The subject lot 44 is approximately 94,000 square feet in area and is improved with four buildings containing approximately 173,366 square feet. The Review and Herald Publishing Association business offices, storage facility, editorial offices and publishing facilities are housed in the subject improvements. The existing improvements are an interconnected series of two and three story brick buildings. The improvements occupy almost the entire land area of the subject lot. They were constructed over a period of sixty years in four phases. The newest addition was completed in 1973.

3. The subject property is owned, occupied and used by a religious non-profit corporation for the purpose of preparing religious, educational and charitable books and periodicals as a part of the ministry of the Seventh-Day Adventist Church.

4. The proposed addition consisting of 6,000 square feet, represents the completion of the office building portion of the facility. The addition will provide relief from the current overcrowding of the publishing offices and will allow for an expansion of the historical records library. The addition would also provide the occasion to fireproof the building in which the historical records are kept.

5. The Review and Herald Publishing Association has existed on Lot 44, Square 3359 since 1912. Three interconnected buildings were constructed prior to the zoning reclassification to C-2-A in 1958. Prior to 1958 the property was zoned first commercial and printing companies with additions were permitted as a matter of right. After 1958, printing companies with areas greater than 2500 gross square feet were not permitted in the C-2-A District. Applicant's comprehensive publishing facility has always been used for such purposes pursuant to a valid certificate of occupancy. The applicant, accordingly, houses a non-conforming use.

6. When the proposed addition was designed in 1957, it was within the then existing floor area ratio limitation of 2.0 for the C-2-A District. The present FAR limitation is 1.5. The existing building has an FAR of 1.83. With the proposed addition to the corner of the third floor, the total FAR would be 1.89. Accordingly, the applicant's improvements would increase the non-conformity of the facility.

7. The applicant now seeks a variance from the prohibition against allowing an addition to a non-conforming structure housing a non-conforming use and from the FAR requirements.

8. The applicant testified that the printing function constitutes only a small part of the function of the entire facility and that it is concentrated in a small portion of one of the structures. The applicant argued that the facility is not a commercial printing business since it does not solicit public contracts but prints only for private purposes. The applicant testified that its plans for the addition in 1957 conformed to the then existing FAR requirements of the first commercial and the C-2-A Districts and that the lack of the physical need for the addition in 1957 and lack of money deterred the completion of the building plans.

9. The portion of the building which was constructed in 1958, over which the proposed addition would be built, contains the structural foundation and columns to support the addition. The proposed addition fills in a notch in the corner of the building.

10. The approval of this application will not result in any change in the use of the property. The proposed addition will not increase the size of the printing plant, it will not increase the number of employees and it will not result in an increase of traffic in the neighborhood. The fundamental change being sought is one involving a change in the density and bulk of the structure. The applicant seeks only to complete the third floor of the office building.

11. The interdependent needs of the comprehensive publishing facility, the need of the printing and publishing functions to have close physical proximity, the need to have ready access to inventories of completed publications available for immediate shipment, and the need to have the ability to coordinate communications and supervision, combine to create a hardship for the applicant and preclude the reasonable expectation of ready relocation in existing available alternative structures. The diversity of the Association's interdependent functions and the unique design of the structure act to effectively prohibit internal alteration as a means of providing the critically needed office and library space.

12. The operations of the facility take place during the normal working hours, Monday through Friday. There are no offensive glares, lighting or intrusive physical activity in the early morning or late evening hours. All required parking is provided on site and on an adjacent lot. The applicant has maintained a comprehensive landscaping scheme. Current plans call for the construction of a park on abutting lots 5 and 43 in the subject square.

13. The applicant provides employment for some 335 people. It purchases its supplies and services within the District of Columbia.

14. The applicant's library contains over 25,000 volumes and is available to qualified scholars. The applicant also maintains an historical museum.

15. The Zoning Committee of Advisory Neighborhood Commission 4B represented the ANC before the Board concerning their application. The single member district representative, ANC-4B01 testified at the public hearing. The ANC was concerned that the subject variance relief was being requested when the entire Takoma commercial area was rezoned by the Zoning Commission only three months previously. The ANC further feared that if the application were granted it would set a precedent for other cases. The ANC was concerned that the park area of the applicant previously available to the neighborhood not be closed off by a fence. The ANC testified that the mansard roof of the original building of this facility would be obliterated, that it considered the mansard roof to be historical and to be the only architecturally redeeming part of the entire facility, and that the addition should continue the mansard roof.

16. The Board is required, by statute, to give great weight to the concerns and issues of the ANC only if expressed in a formal written recommendation from the ANC as a body. In this case, the Board notes that the ANC was represented by one of its Commissioners who presented a written statement, which the Board has addressed previously. As to the issues set out in that statement, the Board has consistently found that each application must be judged on its own merits and on the particular set of facts presented.

As to the park concern, the park is private property, not under the jurisdiction of the BZA, and there is no requirement that it be open for public use. As to the mansard roof, there was testimony that it is constructed of wood and in a rotted condition. Furthermore, the building is not a historic landmark or in a historic district. The Board further finds that there is no public purpose to be served by preserving or rebuilding a small portion of a roof which bears no relation to the present building.

17. A private citizen and Plan Takoma expressed the same concerns as ANC-4B01.

18. There were two letters of record, in support of the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a use variance and an area variance. As to the use variance, the addition to a non-conforming structure housing a non-conforming use, the applicant must demonstrate a hardship stemming from the property itself. As to the area variance, the FAR requirements, the applicant must demonstrate a practical difficulty arising from the property itself.

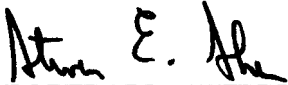
The Board notes the size of this facility, it's design over a period of sixty years, and the fact that it occupies almost the entire land area of Lot 44. The design is consistent with the planned, phased construction and the variety of uses it houses. Each of the four facilities is dependent upon the other. The printing operation, the non-conforming use, is a small part of the facility, and is contained in a small portion of one of the four structures. It is not being enlarged by the new addition. At the time of it's inception, it conformed to the Zoning Regulations. The facility is designed for the unique purposes of the applicant. The design affects the marketability of the improvements. It is questionable to what other uses the improvements could be put. The new FAR will be 1.89 an increase of .06. The FAR is not changed substantially. In addition, the existing building was constructed with columns and foundations to support this planned addition. For all these reasons, the Board concludes that the elements of hardship and practical difficulty are inherent in the property.

There was no formal opposition to the application. However, the ANC and other parties presented some concerns to the Board which have been addressed in the findings of fact. The facility has provided benefits to the community over a period of many years and has been a good neighbor. The Board further concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED..

VOTE: 5-0 (Chloethiel Woodard Smith, Walter B. Lewis, Charles R. Norris and Leonard L. McCants to GRANT; William F. McIntosh to GRANT by PROXY).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 10 SEP 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OR OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.